

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROSALYN LITHA CAFFEY,)
)
Plaintiff,) No. 3:15-cv-00365
) Senior Judge Haynes
v.)
)
NATIONSTAR MORTGAGE LLC, et al.,)
)
Defendants.)

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 12) that Plaintiff's applications to proceed in forma pauperis (Docket Entry Nos. 5, 8, and 10) be granted, but that this action be dismissed for lack of subject matter jurisdiction.

Plaintiff filed an objection (Docket Entry No. 23) to the Magistrate Judge's Report and Recommendation, as well as a motion to alter, amend, or vacate the Court's decision to dismiss the complaint for lack of jurisdiction (Docket Entry No. 27). Defendant Allstate Insurance Company filed a motion to dismiss (Docket Entry No. 14). Subsequently, Plaintiff filed two motions to amend the complaint (Docket Entry Nos. 25 and 28).

Under Fed. R. Civ. P. 15(a), a court should freely give leave for a party to amend its pleading when justice so requires. Accordingly, Plaintiff's motions to amend complaint (Docket Entry Nos. 25 and 28) are **GRANTED**. The Court **ADOPTS in part** the Report and Recommendation **GRANTING** Plaintiff's application to proceed in forma pauperis (Docket Entry Nos. 5, 8, and 10), but the Report and Recommendation is otherwise **SET ASIDE**. Plaintiff's motion to alter, amend, or vacate (Docket Entry No. 27) is **DENIED as moot**.

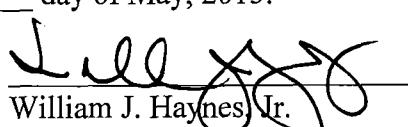
Because an amended complaint supercedes the original complaint, Defendant Allstate

Insurance Company's motion to dismiss (Docket Entry No. 14) is **DENIED without prejudice as moot**. Drake v. City of Detroit, 266 Fed. App'x 444, 448 (6th Cir 2008).

Finally, Defendant Nationstar Mortgage, LLC's motion for extension of time to respond to complaint or amended complaint (Docket Entry No. 34) is **GRANTED**.

It is so **ORDERED**.

ENTERED this the 21st day of May, 2015.



William J. Haynes, Jr.

Senior United States District Judge